

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D. C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of

Amendment of Parts 15 and 90
of the Commission's Rules to
Provide Additional Frequencies
for Cordless Telephones

ET Docket No. 93-235

DOCKET FILE COPY ORIGINAL

To: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

Pursuant to §1.429(f) of the Commission's Rules, the Wireless Consumer Communications Section ("the Section")¹ of the Telecommunications Industry Association ("TIA") User Premises Equipment Division hereby respectfully submits its Opposition to the Petition for Reconsideration ("Petition") filed by the American Petroleum Institute ("API") in the above-captioned proceeding.

I. INTRODUCTION

1. On April 10, 1995, the Commission released a Report and Order ("Order") making fifteen additional channel pairs near 44 and 49 MHz available for cordless telephones.² The new rules promulgated in the Order became effective June 5, 1995. Also on June 5, 1995, API filed its Petition, requesting that the new rules be modified to require that a cordless telephone automatically change to an unused channel during

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1. The Section was formerly known as the TIA Mobile & Personal Communications Consumer Radio Section. The scope of the Section's work program is unchanged.
 2. FCC 95-148.

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a call in progress if it detects a Private Land Mobile Radio Services ("PLMRS") operation on the original channel,³ or as an alternative, to require that a 2-inch by 3-inch label be affixed to both the product and its package with language proposed by API warning of the potential for interference from "Existing high-power commercial radio users."⁴ As discussed herein, API's Petition raises no significant issues which have not been already carefully considered by the Commission, and characteristically, the Petition offers no technical evidence or analysis to support its requests. The Section believes that reconsideration as requested by API is contrary to the public interest, and that API's Petition is without merit and should be denied.

II. SPECIFIC COMMENTS ON API'S PETITION

2. API's Petition thoroughly confuses the issues of interference from PLMRS to cordless, and interference from cordless to PLMRS. API stresses the importance of "reliability" in PLMRS,⁵ implying concern about interference from cordless to PLMRS. API then states that its opposition to the Notice of Proposed Rule Making ("NPRM")⁶ "was based, in large part, on concern that growing interference caused to these devices [cordless telephones] by the [PLMRS] licensees would ultimately result in sufficient complaints to pressure the FCC to formally reallocate the channels for exclusive cordless telephone use."⁷ Two paragraphs later, however, API discusses the automatic channel requirement specified in the Order and states that: "the rules do not fully protect against interference to [emphasis added] the PLMRS if the PLMRS user commences operation on a frequency after [emphasis in original] a cordless telephone has already established a link on that channel."⁸ The concern

3. API Petition at par. 6.

4. API at par. 7.

5. API at par. 2.

6. FCC 93-422, Notice of Proposed Rule Making, ET Docket 93-235, Adopted August 20, 1993, Released September 17, 1993.

7. API at par. 4.

8. API at par. 6.

expressed here is clearly one of interference from cordless to PLMRS. API then requests that the channel selection requirement be modified to require that cordless telephones “automatically switch to an unused channel when they detect a PLMRS operation on that channel regardless of when the operation occurs -- prior to or during the telephone communication [emphasis in original].”⁹

3. API then proceeds to propose, as an alternative to its proposed modified channel selection requirement, a labeling requirement designed to warn consumers of the potential for interference to cordless from PLMRS. To set the stage for that proposal, API states that “the opportunity for significant interference to telephone consumers appears inescapable.”¹⁰ API takes issue with the conclusion in the Order that such interference is not likely to be a “serious problem that would make the proposed frequencies unsuitable for cordless telephone use” because of the light usage of the PLMRS frequencies in question,¹¹ stating:

There are three fundamental flaws in this reasoning because: (1) all cordless telephone users will not be located in densely populated areas that also happen to be free of PLMRS operations; (2) over time, population growth and shifting may place more PLMRS operations in densely populated areas; and (3) cordless telephone usage spikes sharply during emergencies, thus increasing the likelihood of interference when PLMRS operations may be needed most.¹²

API’s items (1) and (2) ignore the fact that the cordless telephone will be frequency-agile, and can find clear channels even if PLMRS operations are using several of the available channels. API’s third item pertains to interference to PLMRS from cordless, and therefore is completely irrelevant to the point made in the paragraph of the Order which API is attempting to criticize. API then proposes specific language for a 2-inch

9. Id.

10. API at par. 7.

11. Order at par. 17.

12. API at par. 7.

by 3-inch label to appear on both the package and the telephone itself. The proposed language, however, makes no mention of interference from cordless to PLMRS, the problem which API's proposed modified channel selection requirement purports to address. It therefore is unclear why API thinks of the proposed labeling as an alternative to the proposed modified channel selection requirement.¹³

4. Notwithstanding API's confusion of cordless-to-PLMRS and PLMRS-to-cordless interference, both issues have been fully addressed in the record of the proceeding, and considered in the Order. Regarding possible cordless-to-PLMRS interference, the Order states:

We also find that cordless telephones operating on the frequencies we have proposed to make available for 46/49 MHz cordless telephones will not pose a significant risk of harmful interference to PLMRS operations. As indicated by TIA and Uniden, it can be expected that a PLMRS system designed to be reliable in the presence of ambient background noise, such as noise from vehicle ignition systems, will not be adversely affected by the operation of cordless telephones.¹⁴

Nowhere in its Petition does API address or dispute this finding, or even the potential for interference from cordless to PLMRS, other than by implication.

5. In fact, PLMRS is inherently protected against interference from cordless by virtue of the large difference between the transmitted power of a PLMRS unit and that of a cordless telephone. API should be well aware of this, since it has been explained in detail by the Section on several occasions, and is a matter of record.¹⁵ It is

13. The only factor that API's two proposals seem to have in common is that they would both unnecessarily burden the cordless telephone industry. The proposed modification of the channel selection requirement represents an unnecessary design burden, while the proposed labeling requirement would be a marketing burden and would unnecessarily confuse consumers.

14. Order at par. 16.

15. See the Section's Reply Comments, filed December 22, 1993, pp. 2-8, and the Section's ex parte letter of March 17, 1995 with its attached report "On the Potential for Interference from Cordless Telephones to the Private Land Mobile Radio Services." That report concludes (on p. 6): "Regardless of the exact interference-avoidance mechanism used by the cordless telephone, the PLMRS

noteworthy that API has not, in any of its pleadings in this proceeding, disputed or even addressed in any concrete way the technical evidence provided by the Section. API seems to have based its entire approach to this proceeding on the assumption that interference would be a major problem, without bothering to do some simple calculations to check the facts.

6. Regarding interference to cordless from PLMRS during a call in progress, the Order has addressed the possibility in a clear and unambiguous fashion:

We recognize that all automatic channel selection mechanisms may not prevent interference to the cordless telephone user if a PLMRS transmitter begins operation after the cordless telephone connection is established. However, Section 15.5(b) of our rules require that users accept such interference. As such, if a cordless telephone conversation is interrupted by a PLMRS user, the conversation may be continued by switching to another available channel. We also do not find that it is necessary or desirable to impose more specific design standards for the automatic channel selection requirement. We believe that it is important to allow manufacturers the flexibility to implement this requirement in a manner that best suits the design of their equipment.¹⁶

7. It is obvious from this statement that the Commission has already considered the scenario of PLMRS-to-cordless interference during a call in progress. Since API offers no new facts, ideas, or technical evidence, API's Petition clearly does not justify reconsideration of the Order. However, for API's benefit, the Section notes that a channel change involves two operations: (1) detection of the interference; and (2) signaling between the base and handset to establish a new channel. The only difference between a manual channel change by the user and an automatic channel change as suggested by API is the detection method. In the former case, the user

base station will be protected from the cordless telephone interference simply because of the 70 dB difference between the power radiated by the PLMRS base station and that radiated by the cordless telephone."

16. Order at par. 24.

notices the interference, and if it is sufficiently annoying, can initiate a channel change. In the latter case, the cordless telephone would be required to make the "decision" regarding the severity of the interference. It would seem to be difficult to design a cordless telephone to be a better judge of channel quality than the user.

III. CONCLUSION

8. The Section does not believe that the public interest would be served by imposing unnecessary design burdens on cordless telephones. Indeed, one of the great public benefits of the 46/49 MHz cordless telephones is low unit price. Requiring an increase in complexity would result in cost increases, thereby reducing the public benefit. Some manufacturers may elect to incorporate into their products a capability such as that suggested by API. If the capability is judged beneficial by the public, then it will tend to become a standard feature due to the highly competitive nature of the marketplace. However, whether or not to include such a capability in a product is a decision best left to the equipment manufacturer, guided by market forces.

9. Similarly, the Section believes that the labeling requirement proposed by API is contrary to the public interest, because it would mislead consumers, with the possible result that some would be denied the benefits of the new cordless telephones. The Section believes that the existing labeling requirements of §15.19(a)(3) and §15.214(c) will continue to suffice for cordless telephones using the new channels. In fact, due to the added channels, the Section anticipates that interference problems will decrease, rather than increase. The label proposed by API would misrepresent the interference potential and would thereby do a disservice to the public.

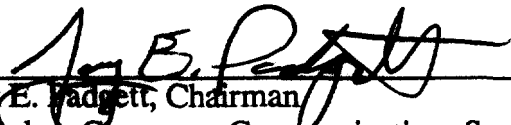
10. In the entire record of this proceeding, API has failed to provide a shred of technical evidence or analysis to support its overstated claims of potential interference problems between cordless and PLMRS. API has continued that tradition in its Petition. Moreover, the issues it raises have already been addressed in the record of the proceeding and considered by the Commission, as explicitly indicated in the Order.

Finally, the requests made by API would unnecessarily burden the design and marketing of cordless telephones, and would disserve the public interest. For these reasons the Section respectfully requests that API's Petition for Reconsideration be summarily denied.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION
USER PREMISES EQUIPMENT DIVISION
WIRELESS CONSUMER COMMUNICATIONS SECTION

by:

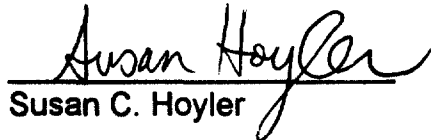

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Dated: July 11, 1995

CERTIFICATE OF SERVICE

I, Susan C. Hoyler, do hereby certify that the Telecommunications Industry Association's Opposition to the API Petition for Reconsideration in ET Docket 93-235 has been served on this 11th day of July, 1995, by first-class prepaid postage, to API's attorneys as shown below.


Susan C. Hoyler

Dated: July 11, 1995

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